

**FILED**

**MAR 10 2006**

**CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS**

**NOT FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS**

**FOR THE NINTH CIRCUIT**

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

GERALD WOODS,

Defendant - Appellant.

No. 05-10149

D.C. No. CR-04-00033-RCJ

MEMORANDUM<sup>\*</sup>

Appeal from the United States District Court  
for the District of Nevada  
Robert C. Jones, District Judge, Presiding

Submitted February 21, 2006<sup>\*\*</sup>

Before: BEEZER, T.G. NELSON and BEA, Circuit Judges.

Appellee has filed an unopposed motion to reverse appellant's conviction and remand this case to the district court for a new trial. Appellee concedes that its incorrect reference to appellant's prior conviction as involving a firearm and its

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<sup>\*</sup> This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

<sup>\*\*</sup> This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

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use of appellant's three prior misdemeanor convictions not involving truthfulness to impeach appellant at trial were errors that affected the outcome of the trial. *See United States v. Jimenez*, 214 F.3d 1095 (9th Cir. 2000); Fed. R. Evid. 609(a).

Accordingly, appellant's conviction is reversed. This matter is remanded to the district court for a new trial.

**REVERSED AND REMANDED.**